

from civil commitment be filed by an attorney or legal guardian for the committed person”), *cert. denied*, 140 S. Ct. 2535 (Mar. 23, 2020). Therefore, this issue is frivolous, and any appeal of this issue is not taken in good faith.

Second, Defendant intends to appeal this Court’s January 6, 2021 Order (Doc. 95) dismissing the October 26, 2020 pro se Motion to Financially Compensate for Injuries Sustained Due to the Wrongful Forced Medication (Doc. 90). Defendant is confined at the Federal Medical Center in Rochester, Minnesota and alleges in this Motion that the forced administration of medication at said facility violated his civil and constitutional rights. In response, this Court dismissed the Motion pursuant to 28 U.S.C. § 1406(a), because venue for such a claim would lie in the District of Minnesota, where Defendant is confined and where the alleged violations occurred. The Court further advised that the proper remedy for such a claim would be via a separate action in the District of Minnesota. Thus, as the dismissal was without prejudice for improper venue, this basis for appeal is also frivolous, and the appeal is not taken in good faith.

Third, Defendant intends to appeal the Order entered January 19, 2021. (Doc. 98) In said Order, it was found that the January 14, 2021 pro se Motion to Be Unconditionally Released or Released to a State Hospital (Doc. 97) was moot, because it was a duplicate filing of the Motion (Doc. 89) filed on October 26, 2020. As discussed above, this Court had already denied the earlier Motion as unauthorized. Therefore, an appeal of the Order finding the duplicate filing to be moot is frivolous and not taken in good faith.

In conclusion, this Court certifies that Defendant’s pro se Notice of Appeal (Doc. 100) is not taken in good faith, pursuant to Fed. R. App. P. 24(a)(3)(A).

IT IS SO ORDERED.

Dated: March 16, 2021

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge